



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 09/864,423
Appn. Filed: 05/23/01
Applicants: Michael Bourbeau
Title: Covering
Examiner: Chi Q. Nguyen/3637

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GROUP 3637
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Examinee
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In response to the Office Action mailed out on June 28, 2002, please note the following remarks:

REMARKS

Drawings

The Examiner noted that the drawings did not have labeled structural elements that were described in the specification. This numbering has been added and these drawings have been included, as modified.

Examiner's first rejection:

The Examiner has rejected claims 1-8 in this application under 35 U.S.C. 103(a) as being unpatentable over Goodrich (US 5,311,713). Applicant respectfully disagrees with this Examiner, as detailed below.

First and foremost, the Applicant believes that the Goodrich prior art reference does not render the present invention "obvious." There are two key differences in the present invention that, when taken as a part of the "whole," clearly show the present invention as nonobvious in lieu of the prior art.

First and foremost, the covering for the pole in the Goodrich prior art reference is listed as being either "flexible plastic" or "any suitable plastic." There is no mention of any other materials, nor any suggestion that any other materials be used. The fact that foam material is used in the present invention, therefore, should be deemed to be "nonobvious" because it is too different from a "plastic" to automatically be rendered

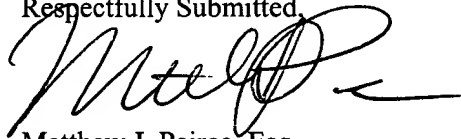
“obvious” in lieu of the prior art. There are literally thousands of materials that could be used to cover a column or pole, and thus because a “covering” is shown in the Goodrich prior art reference does not render other types of material “obvious” when used as a covering for a column or pole.

In addition, it should be noted that the thickness of the materials varies greatly. In the Goodrich prior art reference, the thickness of the “plastic” covering is listed as between 1/16 of an inch to 1/8 of an inch. In the present invention, the thickness of the foam material used to cover the lally columns is at least one-half (1/2) of an inch. This thickness is more than sufficient to overcome any “optimum or working ranges” arguments. Applicant concedes that there are ranges outside of the “1/16 inch to 1/8 inch” range that could be deemed obvious in lieu of the prior art. However, it should be noted that the thickness of the material in the present invention is at least four to eight times as thick as the thickness of the material in the Goodrich. Applicant propounds that this difference is great enough, even in lieu of the prior art, to be deemed nonobvious.

CONCLUSION

For all of the above-described reasons, applicant submits that the specifications and claims are now in proper form, and that the claims define patentability over the prior art. In addition, applicant believes that one or more of the arguments in the “Remarks” section successfully traverses the objections and rejections brought forth by the Examiner in the Office Action. Therefore, the applicant respectfully submits that this application is now in condition for allowance, which action he respectfully solicits.

Respectfully Submitted,



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